

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	
<b>v.</b>	)	<b>Case No. 1:17cr00027</b>
	)	
<b>JOEL A. SMITHERS,</b>	)	
<b>Defendant,</b>	)	
	)	

This matter came before the undersigned on the motion for discovery filed on behalf of the defendant, (Docket Item No. 61), (“Motion”). Upon consideration of the Motion, it is **ORDERED** as follows:

1. The Motion will be considered a request by the defendant for disclosures pursuant to Federal Rule of Criminal Procedure 16(a). The United States Attorney's Office shall confer with defense counsel and arrange a date by no later than June 28, 2018, on which defense counsel may inspect and copy the materials described in Fed. R. Crim. P. 16(a)(1). Note should be taken of the defendant’s disclosure obligations under Fed. R. Crim. P. 16(b), and such disclosures should be made by no later than July 13, 2018.

2. To the extent that the defendant seeks disclosure of material described in *Brady v. Maryland*, 373 U.S. 83 (1963), and related cases, including *United States v. Giglio*, 405 U.S. 150 (1972) (impeachment evidence), the government’s obligations to produce these materials in a timely manner exist regardless of any

specific direction by the court, *see United States v. Holmes*, 722 F.2d 37, 41 (4th Cir. 1983); and

3. Otherwise than as set forth herein, the Motion is **DENIED**.

ENTER: June 5, 2018.

/s/ *Pamela Meade Sargent*  
UNITED STATES MAGISTRATE JUDGE